

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF CALIFORNIA

**E-filing** OFFICE OF THE CLERK  
2500 Tulare Street  
Fresno, CA 93721

**FILED**  
08 MAR 18 PM 3:04  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Clerk, USDC Northern District  
450 Golden Gate Avenue  
San Francisco, CA 94102

**CV 08**

**1505**

**MMC (PR)**

**RE: OBA L. FRELIMO vs. DERRAL ADAMS**  
**USDC No.: 1:08-CV-00323-OWW-DLB**

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated March 10, 2008, transmitted herewith are the following documents.

**Electronic Documents: 1 to 4.**

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

**March 10, 2008**

/s/ C. Esteves

Deputy Clerk

RECEIVED BY:

\_\_\_\_\_  
Please Print Name

DATE RECEIVED:

NEW CASE  
NUMBER:

\_\_\_\_\_  
\_\_\_\_\_

CLOSED, HABEAS

**U.S. District Court  
Eastern District of California - Live System (Fresno)  
CIVIL DOCKET FOR CASE #: 1:08-cv-00323-OWW-DLB  
Internal Use Only**

**COPY**

(HC) Frelimo v. Adams  
Assigned to: Judge Oliver W. Wanger  
Referred to: Magistrate Judge Dennis L. Beck  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 03/06/2008  
Date Terminated: 03/10/2008  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: Federal Question

**Petitioner**

**Oba L. Frelimo**

represented by **Oba L. Frelimo**

J-25506  
4001 King Avenue  
Corcoran, CA 93212-8309  
PRO SE

hereby attest and certify on 3-10-08  
that the foregoing document is a full, true  
and correct copy of the original on file in my  
office and in my legal custody.

**VICTORIA C. MINOR  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

By *[Signature]* Deputy

v.

**Respondent**

**Warden Derral Adams**

Date Filed	#	Docket Text
03/06/2008	<a href="#"><u>1</u></a>	PETITION for WRIT of HABEAS CORPUS by Oba L. Frelimo. (Sondheim, M) (Entered: 03/07/2008)
03/06/2008	<a href="#"><u>2</u></a>	MOTION to PROCEED IN FORMA PAUPERIS by Oba L. Frelimo. (Sondheim, M) (Entered: 03/07/2008)
03/07/2008	<a href="#"><u>3</u></a>	PRISONER NEW CASE DOCUMENTS ISSUED; (Attachments: # <a href="#"><u>1</u></a> Consent Forms) (Sondheim, M) (Entered: 03/07/2008)
03/07/2008	<a href="#"><u>4</u></a>	SERVICE BY MAIL: 3 Prisoner New Case Documents for OWW served on Oba L. Frelimo. (Sondheim, M) (Entered: 03/07/2008)
03/07/2008	<a href="#"><u>5</u></a>	(Court only) ***STAFF NOTE: Case screened, order granting IFP submitted to DLB/kr. (Sondheim, M) (Entered: 03/07/2008)
03/10/2008	<a href="#"><u>6</u></a>	ORDER of Transfer signed by Magistrate Judge Dennis L. Beck on 3/10/2008. CASE TRANSFERRED to District of CA/Northern: certified copy of transfer order, and docket sheet sent. CASE CLOSED. (Entered: 03/10/2008)
03/10/2008	<a href="#"><u>7</u></a>	SERVICE BY MAIL: 4 Order, Case Transferred Out to Northern District, served on Oba L. Frelimo. (Esteves, C) (Entered: 03/10/2008)
03/10/2008	<a href="#"><u>8</u></a>	TRANSMITTAL of DOCUMENTS on *3/10/2008* to * Clerk, USDC Northern District* *450 Golden Gate Avenue* *San Francisco, CA 94102*. ** *Electronic Documents: 1 to 4. *. (Esteves, C) (Entered: 03/10/2008)

I hereby attest and certify on 3-10-08  
that the foregoing document is a full, true  
and correct copy of the original on file in my  
office and in my legal custody.

VICTORIA C. MINOR  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

**COPY**

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

OBA L. FRELIMO,

1:08-cv-00323 OWW DLB HC

Petitioner,

ORDER OF TRANSFER

v.

DERRAL ADAMS, Warden,

Respondent.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

In this case, Petitioner is challenging the validity of his conviction and sentence. The proper venue for challenging the validity of his sentence is the district court containing the sentencing court, while the proper venue to challenge the execution of his sentence is the district court containing the prison in which Petitioner is incarcerated.

Although Petitioner has filed in the proper district court to challenge the execution of his

E-filing

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**FILED**

MAR 06 2008

United States District Court		District	NORTHERN
Name	MR. OBA LEE FREIMO	Prisoner No.	J-25508
Place of Confinement		CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA Case No. 8151585	
Name of Petitioner (include name under which convicted)		Name of Respondent (authorized person having custody of petitioner)	
MR. OBA LEE FREIMO		WARDEN DERRAL ADAMS (PR)	
The Attorney General of the State of:		CALIFORNIA 1:08-CV-323 DWW DLB (HC)	

## PETITION

- Name and location of court which entered the judgment of conviction under attack SAN FRANCISCO  
SUPERIOR COURT 850 BRYANT ST DEPT 22, SF. C.A.
- Date of judgment of conviction 5-5-1994
- Length of sentence 15 to Life
- Nature of offense involved (all counts) 187 P.C. 2ND DEGREE MURDER

## 5. What was your plea? (Check one)

- (a) Not guilty ☐
- (b) Guilty ☒
- (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

I TOOK A DEAL 2ND DEGREE MURDER 15 to life, and Told I'd do 7  
YEARS AT A BOOTCAMP AND BE ON LIFETIME PAROLE.

## 6. If you pleaded not guilty, what kind of trial did you have? (Check one)

- (a) Jury ☐
- (b) Judge only ☐

## 7. Did you testify at the trial?

Yes ☐ No ☐

## 8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

AO 241 (Rev. 5/85)

9. If you did appeal, answer the following:

(a) Name of court

N/A

(b) Result

(c) Date of result and citation, if known

(d) Grounds raised

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court

N/A

(2) Result

(3) Date of result and citation, if known

(4) Grounds raised

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court

N/A

(2) Result

(3) Date of result and citation, if known

(4) Grounds raised

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court

SAN FRANCISCO SUPERIOR COURT

(2) Nature of proceeding

WRIT OF HABEAS CORPUS

(3) Grounds raised

INEFFECTIVE ASSISTANCE OF COUNSEL



AO 241 (Rev. 5/85)

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒(5) Result DENIED(6) Date of result N/A

(b) As to any second petition, application or motion give the same information:

(1) Name of court SUPREME COURT OF CALIFORNIA(2) Name of proceeding WRIT OF HABEAS CORPUS(3) Grounds raised U.S. CONSTITUTION 14<sup>TH</sup> AMENDMENT VIOLATION  
[1<sup>ST</sup> GROUND] U.S. CONSTITUTION 14<sup>TH</sup> AMENDMENT VIOLA-  
-TION [2<sup>ND</sup> GROUND] U.S. CONSTITUTION 8<sup>TH</sup> AMEND-  
-MENT VIOLATION [3<sup>RD</sup> GROUND]

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒(5) Result DENIED(6) Date of result 5-9-2007

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☒(2) Second petition, etc. Yes ☒ No ☐(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:I didn't appeal the adverse action because I was  
WITHOUT ALL CASE DOCUMENTS AND INFORMATION NEEDED  
TO PROCEED! MY REQUESTS FOR TRANSCRIPTS WERE IGNORED.12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

AO 241 (Rev. 5/85)

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: CONVICTION OBTAINED BY A VIOLATION OF THE PROTECTION AGAINST DOUBLE JEOPARDY.

Supporting FACTS (state *briefly* without citing cases or law): PETITIONER WAS 16 YEARS OLD AT THE TIME OF THE OFFENSE, AND A WARD OF THE S.F. JUVENILE COURT SYSTEM. PETITIONER HAD A CO-DEFENDANT WHO WAS 18 YEARS OLD AND HELD IN THE COUNTY JAIL CHARGED WITH THE SAME OFFENSES IN ADULT COURT, AS PETITIONER. PETITIONER WAS PUT IN JEOPARDY.... [SEE ATTACHED P8]

B. Ground two: DENIAL OF EFFECTIVE ASSISTANCE OF COUNSEL.

Supporting FACTS (state *briefly* without citing cases or law): PETITIONER WAS PROVIDED A PUBLIC DEFENDER FROM THE JUVENILE COURTS. MR. BARRY MELLON, WHOM WAS INEFFECTIVE IN DEFENDING PETITIONER, DUE TO VARIOUS REASONS, INCLUDING PERSONAL CONFLICTS WITH PETITIONER AND INADEQUATE DEFENSE SKILLS BELOW THE LEVEL OF EFFECTIVE COUNSEL. [SEE ATTACHED PAGE.]

[1]

1 A. GROUND ONE: [CONTINUED FROM P. 6.5]  
2 during adjudicatory hearings, AND PREPARING FOR  
3 trial in Juvenile court; WHEN PETITIONER CAME  
4 FORWARD IN CO-DEFENDENTS ADULT COURT HEARING  
5 AND ADMITTED "GUILT" OF OFFENSES, AND TOOK  
6 responsibility for the crime which WAS AN  
7 ACCIDENT. THE SUPERIOR COURTS SET A DATE TO  
8 TEST THE EVIDENCE AND TRUTH VALIDITY OF  
9 PETITIONER'S STATED COFFESSION OF GUILTY, AND  
10 FOUND THAT PETITIONER WAS IN FACT TELLING  
11 THE TRUTH, AND DISMISSED ALL CHARGES AGAINST  
12 CO-DEFENDENT ARVID EDWARDS, WHO WAS AT  
13 THAT POINT RELEASED FROM JAIL AND THE  
14 CASE. PETITIONER, WAS STILL A WARD OF THE  
15 JUVENILE SYSTEM, AND UNDER THE JUVENILE COURT-  
16 S JURISDICTION FACING TRIAL, WHEN THE GUILTY  
17 PLEA AND COFFESSION WAS ESTABLISHED, THIS  
18 FORTH SEALING THE CASE, AS COMPLETE, FOR  
19 SENTENCING IN JUVENILE COURT. HOWEVER THAT  
20 DIDN'T HAPPEN. PROSECUTION FILED A MOTION FOR  
21 A 707.2 HEARING TO TRY PETITIONER AS AN  
22 ADULT, WHICH THE COURTS GRANTED, AFTER THE  
23 FACT OF PETITIONER'S "GUILT" BEING ADMITTED, AS  
24 JUVENILE COURT PROCEDURES WERE IN PROGRESS.  
25 THIS COMPLETELY, WILLFULLY, VIOLATED PETITIONER'S  
26 DUE PROCESS RIGHTS, TO BE EQUALLY PROTECTED  
27 BY THE LAW AND FREEDOM FROM DOUBLE  
28 JEOPARDY. [END]



[1]

1 B. AROUND TWO: [CONTINUED FROM P.6.5]

2 ...PUBLIC DEFENDER, MR. BARRY MELTON FILED A  
3 WRIT STATING AND ADMITTING HIS OWN INE-  
4 -EFFECTIVENESS, AS PETITIONER'S COUNSEL AND  
5 TO BE REMOVED FROM THE CASE, BECAUSE  
6 HE COULD NOT DEFEND PETITIONER AT ALL. THE  
7 WRIT IN WHICH WAS FILED, THE COURTS DE-  
8 -NIED, FORCING THE PUBLIC DEFENDER TO STAY  
9 ON PETITIONER'S CASE, EVEN THOUGH HE HAD  
10 STATED AND MADE CLEAR HE WAS INEFFECTIVE.  
11 PETITIONER WAS CLEARLY DENIED DUE PROCESS  
12 RIGHTS TO BE DEFENDED AND LEGALLY REPRESENT-  
13 -ED BY EFFECTIVE ASSISTANCE OF COUNSEL  
14 DURING THE COURSE OF ALL COURT PROCEEDINGS,  
15 THAT LEAD UP TO PETITIONER BEING ILLEGALLY  
16 TRIED AS AN ADULT, AND SENTENCED ILLEGI-  
17 -MATELY TO 15 YEARS TO LIFE, INDETERMINATE  
18 TERM, WITH THE POSSIBILITY OF PAROLE.

19 [END]

AO 241 (Rev. 5/85)

C. Ground three: DENIAL OF RIGHT TO APPEAL

Supporting FACTS (state briefly without citing cases or law): PETITIONER REQUESTED TO APPEAL, AND WAS DENIED. PETITIONER WAS TOLD THAT APPEAL COUNSEL WAS APPOINTED TO HIS CASE # 151728, HOWEVER NO COUNSEL EVER CONTACTED PETITIONER AND FILED AN APPEAL. ESPECIALLY; WHEN PLEA BARGAIN HAD BEEN NOT HONORED.

D. Ground four: CONVICTION OBTAINED BY PLEA OF GUILTY WHICH WAS UNWITTINGLY INDUCED OR NOT MADE VOLUNTARILY WITH FULL UNDERSTANDING OF THE NATURE OF THE CHARGE AND THE CONSEQUENCES OF THE  
 Supporting FACTS (state briefly without citing cases or law): PLEA.

PETITIONER PLEAD GUILTY TO 2ND DEGREE MURDER IN A PLEA AGREEMENT BECAUSE COUNSEL TOLD HIM TO DO IT. COUNSEL TOLD PETITIONER THAT IT WAS A WASTE OF TIME GOING TO TRIAL, BECAUSE HE'D TALKED TO THE D.A. WILLIAM FARZO, AND JUDGE HONORABLE ALFRED CHIANTELLI.. [SEE PG ATTACHED]

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: [A] GROUND

ONE WASN'T PRESENTED, DUE TO IT BEING DIFFICULT TO OBTAIN ALL COURT DOCUMENTS, WHICH I'VE BEEN DENIED BY STATE COURTS AND COUNSEL, AS WELL, PETITIONER [SEE ATTACHED PAGE]

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing P.D. BARRY MELTON/N/A

(b) At arraignment and plea P.D. BARRY MELTON/N/A

[1]

1 D. GROUND FOUR: [CONTINUED FROM PG. 6]  
2 .... AND THAT THE JUDGE TOLD HIM NO MAT-  
3 -TER WHAT, IF I TOOK THE CASE TO TRIAL, HE'D  
4 SENTENCE ME TO LIFE IN PRISON, AS OPPOSED  
5 TO THE "VEHICULAR MANSLAUGHTER", IN WHICH  
6 IN ESSENCE WAS MY OFFENSE, I WAS GUILTY  
7 OF, AND AGREED TO PLEA GUILTY OF IN  
8 ADULT COURT. PETITIONER'S COUNSEL THREATENED  
9 TO WALK OUT ON PETITIONER IF IN FACT, I  
10 WANTED TO GO TO TRIAL, KNOWINGLY HE WAS  
11 THE ONLY ONE WHO HAD THE EVIDENCE TO PRO-  
12 -VE "VEHICULAR MANSLAUGHTER", FROM WITNESSES  
13 STATEMENTS, AND SHOW THAT THE MURDER WAS  
14 ACCIDENTAL AND NOT OCCURRED DURING THE  
15 COURSE OF THE FELONY 2ND DEGREE ROBBERY  
16 WHICH I WAS ALSO CHARGED WITH THAT  
17 WAS DISMISSED.

18 PETITIONER'S COUNSEL STATED THAT THE  
19 DEAL WAS FOR 7 YEARS, THAT WOULD BE DONE  
20 AT A PRISON BOOT-CAMP, 15 YEARS MAX IF  
21 I GOT ANY WRITE-UPS 115 RVR'S, IN WHICH  
22 I'D BE RELEASED ON PAROLE AFTER DOING THE  
23 YEARS TOTAL TERM, FOR A LIFETIME PAROLE  
24 PERIOD! THEN AND ONLY THEN, WHILE ON PAR-  
25 -OLE, IF I VIOLATED, I'D HAVE TO DO THE  
26 INDETERMINATE LIFE TERM, UNTIL THE BOARD  
27 OF PRISON TERMS, FELT I WAS SUITABLE FOR  
28 PAROLE. THIS IS WHAT PETITIONER WAS ....



[2]

1 D. AROUND FOUR: [CONTINUED FROM PG. 6. 1#]  
2 TOLD HIS PLEA TO 2ND DEGREE MURDER  
3 CONSISTANT WITH 15 TO LIFE, DETAILED.  
4 ALSO, DO TO THE NATURE OF THE OFFE-  
5 -NSE BEING ACCIDENTAL, AND PETITIONER  
6 BEING A JUVENILE, IT WOULD BE BEST FOR  
7 PETITIONER'S REHABILITATION TO GO TO A  
8 BOOT CAMP, AND GET SCHOOLING, TRADES,  
9 AND PROGRAMS FOR REHABILITATION!

10 HOWEVER, NONE OF THE ABOVE WAS RESP-  
11 -ECTED OR HONORED. ONCE, PETITIONER TURN-  
12 -ED 18 YEARS OLD, AND WAS TRANSFERRED  
13 FROM THE CALIFORNIA YOUTH AUTHORITY, TO  
14 THE C.A. DEPARTMENT OF CORRECTIONS. A  
15 BOOT-CAMP WORKSHEET WAS DONE, TO ENROLL  
16 PETITIONER INTO THE BOOT-CAMP, AND IT WAS  
17 DENIED DUE TO PETITIONER'S TERM! [SEE  
18 ATTACHED EXHIBITS [A] AND [B].]

19 PETITIONER HAS BEEN STUCK IN C.D.C.  
20 MAIN PRISON POPULATION EVER SINCE, DENIED,  
21 PLEA DEAL, PAROLE, IN WHICH PETITIONER HAS  
22 SERVED 15 YEARS AND NEEDS RELIEF, TO BE  
23 RELEASED IMMEDIATELY. BECAUSE PETITIONER  
24 WOULD'VE BEEN RELEASED ON HIS 25TH BIRTH-  
25 -DAY, HAD NOT NUMEROUS VIOLATIONS OF DUE  
26 PROCESS DENIAL, OCCURED, AND MY RIGHTS  
27 BEEN EQUALLY PROTECTED UNDER THE LAW.

[END]



1 [CONTINUED [13] FROM PAGE 6.]

2 .... IS A UNSKILLED OR TRAINED LAYMAN OF THE  
3 LAW, AND NEEDED COUNSEL TO APPEAL MY GRO-  
4 -UNDS EFFECTIVELY, AS SHOULD'VE BEEN DONE  
5 YET DENIED.

6 [B] GROUND TWO, WASN'T PRESENTED DUE  
7 TO THE SAME REASONS. PETITIONER, DOESN'T  
8 HAVE THE WRIT TO ATTACH AS AN EXHIBIT TO  
9 SHOW AS FACTUAL MY CLAIMS OF INEFFECTIVE  
10 ASSISTANCE, HAVING MERTI, YET PETITIONER,  
11 DOES KNOW THAT SAID DOCUMENTS EXIST IN  
12 PETITIONER'S CASE FILE, THAT HE'S BEING DENIED  
13 ACCESS TO. PETITIONER'S COUNSEL BARRY MELTON  
14 CLEARLY STATED HE WAS INEFFECTIVE, AND  
15 COULDN'T DEFEND PETITIONER IN COURT, AND  
16 SHOULD'VE BEEN REMOVED FROM PETITIONER'S  
17 CASE AS REQUESTED! BECAUSE HE WASN'T,  
18 AND WRIT WAS DENIED, IT PROVES WITHOUT  
19 A DOUBT, PETITIONER WAS DENIED EFFECTIVE  
20 COUNSEL, AND HAS GROUNDS FOR RELIEF, AND  
21 REVERSAL OF SENTENCE, RE-SENTENCING, AND  
22 RELEASE FROM PRISON. BASED ON FACTS OF  
23 LAW, THAT HAD PETITIONER'S RIGHTS OF DUE  
24 PROCESS NOT BEEN VIOLATED, AND DOUBLE JE-  
25 -OPARDY SUFFERED, BY THE APPOINTMENT AND  
26 FORCED INEFFECTIVE COUNSEL FOR REPRESENTATION  
27 PETITIONER WOULD'VE BEEN SENTENCE IN JUVENI-  
28 -LE COURT, TO C.Y.A. TILL HIS 25TH BIRTHDAY.

AO 241 (Rev. 5/85)

(c) At trial

N/A

(d) At sentencing

P.D. BARRY Melton N/A

(e) On appeal

N/A

(f) In any post-conviction proceeding

N/A

(g) On appeal from any adverse ruling in a post-conviction proceeding

N/A

16. Were you sentenced on ~~more than one count of an indictment~~ or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

N/A

(b) Give date and length of the above sentence:

N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

2-28-2008

Date

Signature of Petitioner

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Sacramento Clerk's Office  
501 "I" Street , Suite 4-200  
Sacramento, CA 95814  
916-930-4000

Fresno Clerk's Office  
2500 Tulare Street , Suite 1501  
Fresno, CA 93721  
559-499-5600

March 7, 2008

Case Number: 1:08-CV-00323-OWW-DLB

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Case Title: OBA L. FRELIMO, vs. DERRAL ADAMS,

---

Dear Litigant,

You are hereby notified that the above case number has been assigned to your action. You are to include it on all correspondence (e.g., letters, filings, and inquiries) sent to the court. Failure to do so results in delayed processing of your documents.

All matters in this action shall be sent to the following address until further notice:

Office of the Clerk  
United States District Court  
Eastern District of California  
2500 Tulare Street , Suite 1501  
Fresno, CA 93721

For timely processing of your filings or correspondence, please comply with our Local Rules of Court, in particular:

**Local Rule 5-133 (modified)** You are not required to send this court an original plus one copy of all documents submitted for filing (e.g., pleadings, motions, correspondence, etc.). You are only required to send this court the original for filing. No extra copies are required. However, if you desire to receive a conformed copy for your records, you must send the original plus one (1) copy and a pre-addressed postage-paid envelope for us to return your copy to you.

**Local Rules 30-250, 33-250, 34-250 and 36-250** Discovery requests or responses should not be submitted to the court unless they are relevant and necessary to support or oppose a motion at issue before the court.

**Local Rule 5-135** Once the defendant(s) have served a responsive pleading, you are under an ongoing duty to serve them with copies of all documents you submitted to the court. A proof of service shall be attached to the original of any document lodged or filed with the court, showing the date, manner and place of service. A sample proof of service is attached.

**Local Rule 7-130 (modified)** Documents submitted to this court may be either typewritten or handwritten but must be legible, and writing shall be on one (1) side of the page only.

**Local Rule 7-132** Every document submitted to the court must include your name, address and prisoner identification number in the upper left hand corner of the first page.

**Local Rules 83-182** Each party appearing in propria persona is under a continuing duty to notify the Clerk and all other parties of any change of address by filing separate notice; absent such notice, service at prior address shall be fully effective. A sample Notice of Change of Address form is attached.

**Other Provisions:**

A complete copy of the Local Rules should be available in the prison library. We do not provide individual copies to litigants.

**Request for Case Status** The court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the court, **THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRES REGARDING THE STATUS OF YOUR CASE.** As long as you keep the court apprised of your current address, you will receive all court decisions which might affect the status of your case.

**Copy Work** The Clerk's Office does not provide copies of documents to parties. Copies of documents may be obtained from the Attorney's Diversified Service (ADS) by writing to them at: 741 N. Fulton Street, Fresno CA 93728, or by phoning 800-842-2695. The court will provide copies of docket sheets at \$0.50 per page. Note: In Forma Pauperis status does not include the cost of copies.

**Proposed Orders** Parties are not required to submit a proposed order when filing a motion. If a proposed order is submitted, the court may disregard the order and prepare its own order.

As noted, the requirements set forth in Local Rule 5-135 and 7-130 have been modified in this letter. These modifications apply to civil rights and habeas cases filed in the Fresno Division of the Eastern District of California by prisoners proceeding pro se (without counsel).

Victoria C. Minor  
Clerk of Court  
United States District Court

by: /s/ M. Sondheim

Deputy Clerk



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

\_\_\_\_\_  
v.

**Case Number:**

\_\_\_\_\_  
**PROOF OF SERVICE**

\_\_\_\_\_  
I hereby certify that on \_\_\_\_\_, I served a copy  
of the attached \_\_\_\_\_,  
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter  
listed, by depositing said envelope in the United States Mail at  
\_\_\_\_\_:

**(List Name and Address of Each  
Defendant or Attorney Served)**

**I declare under penalty of perjury that the foregoing is true and correct.**

\_\_\_\_\_  
**(Signature of Person Completing Service)**

Name: \_\_\_\_\_

I.D. #: \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

\_\_\_\_\_  
(Plaintiff/Petitioner)

v.

Case Number: \_\_\_\_\_

\_\_\_\_\_  
(Defendant(s)/Respondent)

**NOTICE OF CHANGE  
OF ADDRESS**

\_\_\_\_\_  
/

**PLEASE TAKE NOTICE THAT (print name)** \_\_\_\_\_

hereby submits a notice of change of address in the above – entitled case as follows:

**OLD ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**NEW ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff/Petitioner

**YOU MUST FILE AN ORIGINAL CHANGE OF ADDRESS  
FORM IN EACH OF YOUR OPEN CASES**

**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS**

You are hereby notified in accordance with 28 U.S.C §636(c), F.R.Civ.P.73 and Local Rule 73–305, the United States Magistrate Judges sitting in Sacramento and Fresno are available to exercise the court's case dispositive jurisdiction and to conduct any or all case despositive proceedings in this action, including motions to dismiss, motions for summary judgment, a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is however, permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's case dispositive jurisdiction from being exercised by a Magistrate Judge.

Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, for the Federal Circuit in the same manner as an appeal from any other judgment of a District Court.

Whether or not the parties consent to pursuant to 28 U.S.C. § 636(c) the assigned Magistrate Judge will hear all motions except those case dispositive motions set forth in 28 U.S.C. § 636(b)(1)(A).

A copy of the Form for "Consent to / Decline of Jurisdiction of United States Magistrate Judge" is attached hereto for pro per use and attorney information. This form is available in fillable .pdf format on the court's web site at [www.caed.uscourts.gov](http://www.caed.uscourts.gov) for all attorney ECF filers. This form may be filed through CM/ECF or by pro se litigants at the appropriate Clerk's Office location.

Office of the Clerk  
501 I Street, Room 4–200  
Sacramento, CA 95814

Office of the Clerk  
2500 Tulare Street , Suite 1501  
Fresno, CA 93721

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**OBA L. FRELIMO,** \_\_\_\_\_

Plaintiff(s)/Petitioner(s),

vs.

CASE NO. **1:08-CV-00323-OWW-DLB** \_\_\_\_\_

**DERRAL ADAMS,** \_\_\_\_\_

Defendant(s)/Respondents(s).

**IMPORTANT**

**IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.**

☐ **CONSENT TO JURISDICTION OF  
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff/Petitioner ( ) Defendant/Respondent

( ) Counsel for \* \_\_\_\_\_

☐ **DECLINE OF JURISDICTION OF  
UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff/Petitioner ( ) Defendant/Respondent

( ) Counsel for \* \_\_\_\_\_

*\*If representing more than one party, counsel must indicate name of each party responding.*



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EASTERN DISTRICT OF CALIFORNIA  
FRESNO, CALIFORNIA 93721-1318  
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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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